

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Amendment of Parts 73 and 74 of the	)	
Commission's Rules To Establish Rules for	)	<b>MB Docket No. 03-185</b>
Digital Low Power Television, Television	)	
Translator, and Television Booster Stations	)	
and To Amend Rules for Digital Class A	)	
Television Stations	)	

To: The Commission

**REPLY COMMENTS OF THE BRUNO GOODWORTH NETWORK INC.**

1. The Bruno Goodworth Network Inc. (WBGN-TV) hereby submits these reply comments in the above-captioned proceeding. WBGN operates 11 LPTV stations in and around the Pittsburgh area.

2. These reply comments are directed primarily at the initial comments of the Association of Maximum Service Television and the National Association of Broadcasters (MSTV/NAB). Those comments show an exceptionally anticompetitive attitude, opposing new or different kind of service to the public. They are loaded with what we feel are misrepresentations and twisted facts that if taken seriously will severely hamper the DTV transition and in no way serve the public interest.

3. MSTV/NAB state that giving Class A and LPTV stations a second channel for DTV operation will "impede the ability of full power stations to move to purely digital by causing interference to the digital service provided by full power stations." This statement borders on the frivolous, as it is not substantiated by any facts or engineering data. Suggesting that giving all

Class A, LPTV and Translators a second DTV channel will “impede” the digital transition and that all of the stations will cause “interference” is nothing short of an insult to FCC engineers and personnel who work so diligently to make sure that full power stations receive the full protection to which they are entitled under the Commission’s Rules. There is no evidence that the very rapid growth of the Class A/LPTV industry has created destructive interference to full power television in the past, so there is no reason to anticipate problems in the future. On the contrary, Class A and LPTV stations have put vacant spectrum to use and have resulted in more diversity of service to the public – something they will continue to do if MSTV/NAB do not succeed in their attempt to urge rules that will snuff these voices out.

4. MSTV/NAB also claim that granting second channels to Class A, LPTV and Translators would “harm the public interest” because of the “repacking” that needs to occur to complete the DTV transition. It is interesting to note that over 95% of full power stations are already “repacked” in the core spectrum, with most of the other 5% having applications to join them. To suggest that giving Class A, LPTV, and TV Translators a second channel for DTV operation will “multiply a risk” that does not exist and “not advance the public interest” is a bizarre statement that directly insults the Commission’s basic regulatory structure and processes. The last time we checked, a new station in the market from an independent voice was considered a good thing for the public and certainly in the public interest, not just a new pesky potential source of interference.

5. We disagree with the NAB that “[t]he clear implication is that Congress did not consider it necessary for LPTV stations to be eligible for second channels.” The failure of Congress to specifically mandate an action does not signify that Congress intended to restrict the Commission’s general statutory powers or to bar the Commission from expanding what

Congress did. We have informally discussed these issues with key Congressional personnel from the time of enactment of the statutory authority for second channels for full power stations, and they had no intent to bar second channels to LPTV stations. The legislation simply gave the Commission legal cover in protecting stations from competing applications for their second channel. It did not limit what other licensing decisions the Commission could take.

6. The claim that somehow a third party will be interfered with if two parties agree to accept interference from each other is void of engineering support or logic. In the unlikely event that any Class A or LPTV ever interfered with any third party it, would be up to the Class A or LPTV operator to correct the situation. Two private parties cannot agree between themselves to deprive a non-participating third party of its interference protection rights.

7. The rhetoric of the MSTV/NAB comments seems to be against the FCC goals of all broadcasters migrating to digital. The only conclusion that can be reached is that they are desperate to squash competition from Class A and LPTV through this rulemaking. We urge the Commission to disregard the MSTV/NAB comments as anticompetitive in nature and clearly not in the public interest.

Respectfully submitted,

THE BRUNO GOODWORTH NETWORK, INC.

/s/ Ronald J. Bruno

By: Ronald J. Bruno  
President

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975 Greentree Rd.  
Pittsburgh, PA 15220  
Tel. 412-921-7577  
Fax 412-921-6937